

Birth of Biopolitics

Chapters 1-4

Outline by John Protevi

LSU French Studies

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protevi@lsu.edu

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Lecture 1: 10 January 1979

- I) Aim of lectures: continue retracing history of art of governmentality
 - A) Object: "government's 'consciousness' of itself"
 - 1) How government practice was conceptualized
 - 2) Object, rules and objectives of "domain of practice of government"
 - 3) "Study of rationalization of government practice in exercise of political sovereignty"
 - B) Method: (nominalist) eschewing of universals; focus on concrete practices
 - 1) Not "historicism," which assumes universals which change in history
 - 2) But assumption that universals do not exist and thus tracing of concrete practices "apparently organized around something that is supposed to be" X (e.g., "madness")
- II) Recap of last year's lectures
 - A) Raison d'Etat defined state as autonomous reality
 - 1) Mundane (i.e., not concerned w/ afterlife salvation)
 - 2) Existing in plurality of other states (no horizon of integration in restored Empire)
 - B) Means of governing (all aiming at European equilibrium)
 - 1) Mercantilism
 - 2) Police
 - 3) Permanent army and diplomacy
 - C) Against reified "state phobia": it's not a "cold monster," but a "correlate of a way of governing"
 - D) Important factors in raison d'Etat for what comes after (= "liberalism")
 - 1) Limitations:
 - a) Foreign policy aiming at equilibrium means states must limit their external objectives
 - b) Internal policy on the other hand is "unlimited" (all the better to compete w/ other states)
 - 2) Internal self-limitation or at least opposition now comes in form of law
 - a) Medieval royal power grows not just by military, but also by judicial institutions
 - b) In era of raison d'Etat
 - i) Law is now "extrinsic" to raison d'Etat
 - ii) Jurists argue that sovereign may not contravene
 - (a) Basic laws of the realm
 - (b) Natural law
 - (c) Social contract
 - III) Forecast of this year's lectures: liberalism as "internal regulation of governmental rationality"
 - A) Five internal limitations producing "critical governmental reason" (Kantian echo)
 - 1) De facto limitation: government ignoring its self-limits is not illegitimate, but inadequate
 - 2) General limitation
 - 3) Internal to state, so that this limitation is itself the means to realizing objective of government
 - 4) Non-juridical

- a) Does not create zone of freedom w/in men as subjects (i.e., "rights")
 - b) But limits what government does: what it should and shouldn't do
- 5) Transactional: government is no longer imposed, but "transacted"
- B) Political economy is "intellectual instrument" that permits liberalism as government self-limiting
 - 1) Ambiguity of term
 - a) Analysis of production and circulation of wealth (i.e., the "politics" of economy)
 - b) Reflection on powers in a society (i.e., the "economy" of politics)
 - 2) Key points in considering political economy
 - a) Formed from within *raison d'Etat* (as opposed to "extrinsic" judicial thought)
 - b) Physiocrats (first form of political economy) concluded a despotic state was needed
 - c) Reflects on governmental practice in terms of effects, not origins (question of legitimacy)
 - d) Discovers "natural" / intelligible mechanisms, not natural rights
 - e) Utility (success or failure) is now only criterion of governmental action
 - i) This means governments can be mistaken / ignorant (rather than wicked)
 - ii) Thus the questions of limitation and of truth are introduced
 - (a) This is not Prince's wisdom (based on "equitable equilibrium")
 - (b) But maximum / minimum: govt never knows too well how to govern just enough
 - C) A new regime of truth is established
 - 1) No longer a question of exercise of sovereign rights
 - 2) But political economy enables a judgment of government action in terms of truth (did this action act on a false understanding of intelligible economic mechanisms?)
 - 3) Thus reconfiguring of self-questioning of government
 - a) Medieval: conformity to moral / natural / divine law?
 - b) Absolutism: conformity to *raison d'Etat* so that state is strongest?
 - c) Liberalism: conformity to maxi min posed by nature of economic reality?
 - 4) Analyzing relation of practices and regime of truth is same as for F's previous work
 - a) How does a "conjunction" of practices and regime of truth make what "does not exist" (madness, etc.) "become something" even as that "something" "continues not to exist"?
 - b) Thus he's not after exposing past "errors" or "illusions"
 - c) But he's after a *dispositif* of knowledge-power which
 - i) Effectively marks out in reality that which does not exist
 - ii) And legitimately submits it to division between true and false
 - 5) So here he is after the "birth of dissymmetrical polarity of politics and the economy"
 - a) This happens between Walpole's prudent wisdom of prince ("let sleeping dogs lie")
 - b) And the "laissez-nous faire" that is the principle of liberalism
 - IV) Conclusion: relation of biopower / population / liberalism
 - A) Can only understand biopower in terms of liberalism's treatment of the population
 - B) But in treating liberalism we treat our "immediate and concrete reality"

Lecture 2: 17 January 1979

- I) Liberalism as regime of truth / market as site of veridiction
 - A) Liberalism and *raison d'Etat*
 - 1) Liberalism does not overcome *raison d'Etat*, but is "intensification / internal refinement" of it
 - 2) "Frugal" government is the question of liberalism
 - B) Liberalism as regime of truth: connecting *raison d'Etat* w/ political economy
 - 1) Market as site of justice for Middle Ages
 - a) Regulated
 - b) Sale price seen as a just price
 - c) Site of distributive justice
 - d) Ensuring absence of fraud / protection of buyer

2) The liberal market is now a site of truth, of "veridiction"

- Natural / spontaneous mechanisms
- Prices are now "natural" / good / normal / "true" (fluctuates around value of product)
- The natural price is now a criterion for judging correctness of government action

C) Methodological remark: Foucault's complex historiography

- F is non-idealistic (market doesn't become site of veridiction bcs of theoretical impact of economic science)
- But he also eschews search for single cause; there is instead a complex relation among
 - Monetary situation
 - Economic and demographic growth
 - Intensification of agricultural production
 - New methods of reflection on economic practice
 - Theorization of economic problems
- IOW, establishing intelligibility of historical change = "simply showing it was possible"
 - Not that it was "necessary"
 - Nor that it was "one possibility in a determinate field of possibilities"
 - [JP: I don't know what to make of this given the Deleuze / Bergson critique]

D) Examples of other investigations into intersection of jurisdiction and veridiction

- Psychiatry as truth regime connected to juridical institutions of confinement
- Human sciences as truth regime connected to juridical institutions of penal practice
- Sexuality at intersection of "jurisdiction of sexual relations" and "veridiction of desire"

E) So what F is after is "history of truth" as a "genealogy of regimes of veridiction"

- Object = history of "set of rules enabling one to establish which statements in a given discourse can be described as true or false" [cf. OT and AK]
- Not to be confused with critique of excesses of European rationality
 - From Romanticism to Frankfurt School it's been the same
 - F is not after denunciation
 - Of the oppression of reason (bcs. madness is also oppressive)
 - Of the presumption of power in affirmation of truth (lies and error abuse power too)
 - But after "conditions" and "effects" of veridiction: what are conditions of "discourse"
- The "political significance" of this genealogy is not
 - Denunciation of errors of the past
 - But establishing how what we now know to be error was considered to be true

II) Liberalism and law as limiting power of public authorities

A) Police state

- Unlimited government: police state = government merged with administration
- Extrinsic legal limits focused on sovereign rights

B) Liberal / "frugal" government

- Internal / self-limitation
- Political economy and public law as limiting government in name of truth of market
 - Two means of approaching this question
 - Axiomatic / juridico-deductive / revolutionary approach: Rousseau
 - Natural rights
 - Those rights one agrees to cede
 - Deduction of bounds of government competence w/in framework of sovereignty
 - Radical / utilitarian approach
 - Starting not from question of legitimacy, but from governmental practice itself
 - Find the limits of acceptable government action in terms of utility
 - Two conceptions of the law
 - Revolutionary / axiomatic approach: law as expression of a will
 - Radical / utilitarian approach: law as effect of a transaction

- c) Two conceptions of freedom
 - i) Juridical: freedom as possession to be divided into ceded and kept portions
 - ii) Independence: freedom not as exercise of a basic right, but independence from govt.
- C) Methodological remark: need for "strategic" / "non-dialectical" logic to connect two approaches
 - 1) Dialectical logic "puts to work contradictory terms w/in the homogeneous"
 - 2) Strategic logic "establish possible connections btw disparate terms" "remain heterogeneous"
- D) We see heterogeneous connections, but dominance of utility as principle of govt self-limitation
 - 1) With the market we see exchange and value
 - 2) And we have utility as criterion for judging govt action
- E) Interest is now the general term linking these two
 - 1) Not interest of the state as in *raison d'Etat* (sovereign hold on land / things)
 - 2) But plural interests: "complex interplay btw individual and collective interests"
 - a) Example in penal system shift
 - i) From sovereign punishment as physical torture
 - ii) To "thin phenomenal theme of interests" as only thing govt has a hold on
 - (a) Here the questions are ones of utility / interest
 - (b) So govt no longer exercised on subjects, but on interests
 - 3) "What is utility value of govt ... where exchange determines true value of things?"

Lecture 3: 24 January 2009

- I) Europe and the international space in liberalism
 - A) Raison d'Etat aimed to maintain European equilibrium
 - 1) Internally, no limits to police state, but externally there had to be limits to maintain balance
 - 2) Zero sum game implied with mercantilism (monetarism / finite gold supply)
 - B) Liberalism shows dual profit and mutual enrichment, hence no zero-sum game
 - 1) Hence we have a "Europe of collective enrichment" / unlimited economic progress
 - 2) But this requires "permanent and continuous inputs" from "extended market"
 - a) Translated term "globalization" = French *mondialisation*
 - b) Avoiding intra-European conflict by expanding outward
 - c) Distinguishes this from both colonization and 19th C imperialism
 - 3) Rather we have "a new type of global calculation in European governmental practice"
 - 4) Examples of this new calculation of a globally active Europe of commerce
 - a) Maritime law
 - b) Projects for international peace (e.g., Kant and "Perpetual Peace")
 - C) Now the appearance of this new calculation does not mean other rationalities disappear
 - 1) There's always going to be overlap of forms of rationality
 - 2) For example, let's analyze the Congress of Vienna
 - a) Napoleon's imperial idea had three objectives
 - i) Empire will internally guarantee freedom (is less interventionist than absolutism)
 - ii) Empire will give a "European form" to "unlimited revolutionary project"
 - iii) Empire will reconstitute the Carolingian / Holy Roman Empire
 - b) Austrians want to reconstitute old-fashioned European equilibrium of police states
 - c) English want equilibrium on basis of being economic mediator btw Europe / rest of world
- II) Fundamental features of liberalism:
 - A) Recap of the three features:
 - 1) Market veridiction
 - 2) Limitation by calculating government utility
 - 3) Europe as unlimited economic development in a world market
 - B) Why call this "liberalism"? Isn't that too restrictive term?

- 1) There is a governmental naturalism in physiocratic doctrine, but this entailed despotism, even if that despotism was limited by the clear "evidence" based knowledge of economic practice
- 2) There is a concern with freedom at heart of new govt reason, but this is not quantitative
 - a) Factually: how can you compare the quantity of freedom?
 - i) Absolutist administration / police state
 - ii) Liberal conducting of conduct in every detail of daily life
 - b) Methodologically: (F's nominalism here once again)
 - i) Freedom is not a universal that is particularized in space and time (and can vary)
 - ii) Freedom is the "actual relation btw governors and governed"
 - (a) Measure of "too little" existing freedom
 - (b) Comes from the demand for "even more" freedom

III) What does F mean by "freedom" in liberal government?

- A) General relation of freedom and liberal government: "productive / destructive"
 - 1) It is a "consumer" / "producer" / "manager" of freedom (of market, property rights, etc.)
 - 2) "Manager of the conditions in which one can be free"
 - 3) Liberalism = a "productive / destructive relation" with freedom
 - a) Free trade / protectionism
 - b) Create buyers for internal market to work (resist impoverishment of workers)
 - c) Anti-monopoly interventions
 - d) Free labor market / reserve army of unemployed
- B) Principle of calculation for cost of manufacturing freedom = "security"
 - 1) Weighing relation of individual and collective interests
 - 2) Security / freedom as ensuring the "least exposure to danger"
 - a) Motto of liberalism = "live dangerously" ("political culture of danger")
 - i) Savings banks (elicit fear of danger of old-age impoverishment)
 - ii) Detective fiction / *fairs divers* (elicit fear of danger of crime)
 - iii) Campaigns against disease
 - iv) Attention to sexuality and "degenerescence"
 - b) Extension of disciplines as counterweights to freedom
 - i) Panopticon starts as regional mechanism
 - ii) But ends as "very formula of liberal government"
 - c) Mechanisms that introduce additional freedom through additional control / intervention
 - i) Control is no longer just counterweight to freedom but its mainspring
 - ii) E.g., Roosevelt's welfare policy
 - (a) Produces freedom to work / consume
 - (b) At cost of economic interventions (seen as "road to serfdom")
 - 3) Liberal "crises of governmentality" = concern w/ economic cost of exercise of freedom
 - a) "Liberogenic" compensatory mechanisms = producing / threatening freedom
 - b) Present (1979) crisis of liberalism traces itself to
 - i) Keynesian interventions / New Deal social programs deployed to prevent loss of freedom through fascism / communism
 - ii) But such "big government" also destroys freedom, say the liberals!
 - c) These crises of liberalism are related to but not identical to crises of capitalism

Lecture 4: 31 January 1979

- I) Introduction
 - A) Contemporary state phobia
 - 1) Many sources: Soviet Union / Nazi Germany / even Beveridge Plan
 - 2) Sign of contemporary crisis of governmentality
 - B) Doing w/o a theory of the state

- 1) F does not ignore the "statification" of governmental practices
- 2) But he does refrain from starting with analyzing nature / function / essence of state and then trying to deduce current practices of state governmentality from that essence
 - a) History is not a deductive science
 - b) State does not have an essence
 - i) It is not a universal, nor is it an autonomous source of power
 - ii) It is only the "effect" of a "perpetual statification" of multiple practices
 - (a) Finance
 - (b) Investment
 - (c) Decision-making
 - (d) Control
 - (e) Relations of local / central authorities
 - iii) It is the "mobile effect of a regime of multiple governmentalities"
 - iv) IOW, "moving outside" to see state via analysis of practices of governmentality
- C) Forecast of lectures:
 - 1) Three topics: law and order / civil society / biopolitics as current liberal governmentality
 - 2) Two forms of neoliberalism:
 - a) German Ordoliberalism (contra Nazism and post-war planning)
 - b) American anarcho-capitalism (Chicago School, contra New Deal)
 - 3) Connections:
 - a) Common enemy = Keynes
 - b) Common objects of repulsion = state control / planning / intervention in economy
 - c) Common theories / figures: Mises, Hayek

II) German neo-liberalism

- A) Requirements for European economic policies in 1948 (= Keynesianism)
 - 1) Reconstruction
 - 2) Planning as instrument of reconstruction
 - 3) Social objectives of avoiding relapse into fascism
- B) German Scientific Council in 1948 proposes use of "price mechanism" as much as possible
 - 1) No price controls and immediate deregulation of market
 - 2) Raised question of legitimacy of the state
 - a) Trivial sense: state abuse of power in economic realm
 - i) Violates basic rights of citizens
 - ii) And thus loses its own right to be considered representative
 - (a) Thus the Nazis did not lose legitimate sovereignty and individual Germans as citizens are not responsible for Nazi crimes
 - (b) But they did lose right to be considered as representatives of German people, so Nazis did not act in the name of the German people
 - b) Profound sense:
 - i) There is now no claim to juridical legitimacy for a new German state
 - ii) But economic freedom can create "point of attraction" for new political sovereignty
- C) So Germans want to found state on economic freedom
 - 1) Immediate tactical move
 - a) Attracts support from American business / industry
 - b) Assuages fears of a German strong state
 - 2) Fundamental feature of contemporary German governmentality
 - a) Economic success creates legitimacy for the state that creates / protects economy
 - b) This is a "permanent genesis" of state from the economy
 - i) More than a mere legal legitimization
 - ii) "Permanent consensus" of all economic agents (workers / investors / unions)

- (a) Not as Weber analyzed individual enrichment as sign of God's favor
 - (b) But general enrichment as sign of adherence of individuals to state
- 3) How did German liberalism become accepted?
 - a) Supported by Americans, though mistrusted by Germans
 - b) Resistance by German socialists
 - c) Support by German groups
 - i) Christian Democrats
 - ii) Christian theorists of the "social economy"
 - iii) Labor unions
 - iv) Socialist party: as long as an "equitable social order" resulted
- D) Discussion of the socialist adherence to new program
 - 1) Level of doctrine:
 - a) For Marxists, this is betrayal of orthodoxy
 - b) But for others, this is adherence to a new form of governmentality
 - 2) Reasons why
 - a) Political calculation: neoliberalism was only game in town
 - b) Lack of a socialist governmentality
 - i) So what if Marx doesn't have a theory of the state?
 - (a) No one needs a theory of the state to engage with liberalism
 - (b) Locke doesn't have a theory of the state but a theory of government
 - ii) Socialism lacks its own form of governmental rationality
 - (a) Socialism has several rationalities (knows how to operate in these realms)
 - 1. Historical
 - 2. Economic
 - 3. Administrative
 - (b) But it has only operated in connection with other governmentnalities
 - 1. As opposition to liberal governmentality
 - 2. Within police state / hyper-administrative states
 - 3) In relation to truth
 - a) Temptation to ask this nonsensical question of socialism (but not of liberalism)
 - b) Bcs it has to supplement its lack of government rationality by fidelity to a text
 - 4) We would have to invent a socialist governmental rationality (Mitterand on horizon)